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| 20350 7590 10/11/2006 EXAMINER TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER | APPLICATION NO. | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|---|-----------------|----------------|----------------------|----------------------|------------------|
| TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER  APTIBUT  PAPER NUM  PAPER NUM | 10/796,875      | 03/08/2004     | Keith G. Lurie       | 016354-005213US 2670 |                  |
| TWO EMBARCADERO CENTER  | 20350           | 7590 10/11/200 | 6                    | EXAM                 | IINER            |
| ADTINIT PAPER NIIA  | TOWNSEN         | O AND TOWNSEN  | PATEL, NIHIR B       |                      |                  |
| FIGHTH FLOOR  |                 | - <del>-</del> |                      | ARTUNIT              | PAPER NUMBER     |
| SAN FRANCISCO CA 94111-3834 3772  |                 |                | 22.4                 |                      |                  |

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|--|--|--|---|
|  | Application No.  | Applicant(s)   |   |
| Advisory Action  | 10/796,875   | LURIE ET AL.   |   |
| Before the Filing of an Appeal Brief   | Examiner   | Art Unit   |   |
|  | Nihir Patel  | 3743   |   |
| The MAILING DATE of this communication appe  | ears on the cover sheet with the c   | correspondence add   | ress  |
| THE REPLY FILED <u>06.21.2006</u> FAILS TO PLACE THIS APPL   |  | · ·  |   |
| 1.  The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follor places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in complian time periods:   | n the same day as filing a Notice of wing replies: (1) an amendment, affortice of Appeal (with appeal fee) in ce with 37 CFR 1.114. The reply m                                  | Appeal. To avoid aba<br>fidavit, or other eviden<br>compliance with 37 Ci                  | nce, which<br>FR 41.31; or (3)                                |
| a) The period for reply expiresmonths from the mailin b) The period for reply expires on: (1) the mailing date of this a no event, however, will the statutory period for reply expire   | Advisory Action, or (2) the date set forth   |  |   |
| Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7  | (b). ONLY CHECK BOX (b) WHEN TH  |  |   |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extender 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL | e on which the petition under 37 CFR 1.<br>ktension and the corresponding amount<br>shortened statutory period for reply orig<br>er than three months after the mailing da<br>). | of the fee. The appropri<br>pinally set in the final Offi<br>ate of the final rejection, o | iate extension fee ce action; or (2) as even if timely filed, |
| <ol> <li>The Notice of Appeal was filed on A brief in comfiling the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed AMENDMENTS</li> </ol>   | ension thereof (37 CFR 41.37(e)), to   | o avoid dismissal of th  | ns of the date of<br>se appeal. Since                         |
| The proposed amendment(s) filed after a final rejection,  (a) They raise new issues that would require further co  (b) They raise the issue of new matter (see NOTE belo  (c) They are not deemed to place the application in be appeal; and/or  (d) They present additional claims without canceling a NOTE:  (See 37 CFR 1.116 and 41.33(a))                                   | onsideration and/or search (see NO<br>ow);<br>etter form for appeal by materially re<br>corresponding number of finally re   | TE below); educing or simplifying  |   |
| 4. The amendments are not in compliance with 37 CFR 1.1  |  | ompliant Amendment   | (PTOL-324).   |
| 5. Applicant's reply has overcome the following rejection(s  |  |  |   |
| <ol> <li>Newly proposed or amended claim(s) would be a<br/>non-allowable claim(s).</li> </ol>  |  |  |   |
| 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proposed. The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:   | □ will not be entered, or b) □ wovided below or appended.  | ill be entered and an e  | explanation of  |
| AFFIDAVIT OR OTHER EVIDENCE  |  |  |   |
| <ol> <li>The affidavit or other evidence filed after a final action, b<br/>because applicant failed to provide a showing of good ar<br/>was not earlier presented. See 37 CFR 1.116(e).</li> </ol>   | nd sufficient reasons why the affida   | vit or other evidence i  | s necessary and   |
| 9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessa  | overcome <u>all</u> rejections under appeary and was not earlier presented.  | eal and/or appellant fa<br>See 37 CFR 41.33(d)(  | ils to provide a 1).  |
| 10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER   |  |  |   |
| 11.   The request for reconsideration has been considered b see attached sheet.  |  | in condition for allowa  | nce because:  |
| <ul><li>12. ☐ Note the attached Information Disclosure Statement(s).</li><li>13. ☐ Other:</li></ul>  | (PTO/SB/08) Paper No(s)  |  |   |

The applicant has not provided a terminal disclaimer as stated in the remarks section of the after final amendment.

renry Fennett

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